

Presentment Date: October 28, 2020

Objection Deadline: October 27, 2020 at 4:00 p.m. (AST)

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth and ERS**

NOTICE OF PRESENTMENT OF PROPOSED ORDER

(A) GRANTING IN PART THE NINETY-SECOND OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO AND EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO TO DEFICIENT CLAIMS ASSERTING INTERESTS BASED UPON UNSPECIFIED PUERTO RICO STATUTES, (B) APPROVING FORM OF NOTICE FOR CLAIMS TO BE SET FOR HEARING, AND (C) GRANTING RELATED RELIEF

PLEASE TAKE NOTICE that, on October 20, 2020, the Commonwealth of Puerto Rico (the “Commonwealth”) and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth, the “Debtors”), by

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole representative of the Debtors pursuant to section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”), hereby submit a *Notice of Presentment of Proposed Order (A) Granting in Part the Ninety-Second Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Deficient Claims Asserting Interests Based Upon Unspecified Puerto Rico Statutes, (B) Approving Form of Notice for Claims to Be Set for Hearing, and (C) Granting Related Relief* (this “Notice”).

PLEASE TAKE FURTHER NOTICE that, on October 24, 2019, the Debtors, by and through the Oversight Board, filed the *Ninety-Second Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Deficient Claims Asserting Interests Based Upon Unspecified Puerto Rico Statutes* [ECF No. 8981] (the “Ninety-Second Omnibus Objection”) to the proofs of claim listed on Exhibit A thereto.

PLEASE TAKE FURTHER NOTICE that the Ninety-Second Omnibus Objection was initially scheduled for hearing on December 11, 2019.

PLEASE TAKE FURTHER NOTICE that any party against whom the Ninety-Second Omnibus Objection was served, or any other party to the Debtors’ Title III cases who objected to the relief sought therein, was required to file and serve a response to the Ninety-Second Omnibus Objection with the clerk’s office of the United States District Court for the District of Puerto Rico by 4:00 p.m. (Atlantic Time) on November 26, 2019 (the “Response Deadline”).

PLEASE TAKE FURTHER NOTICE that, as set forth in Exhibit C to the Ninety-Second Omnibus Objection, if no response was filed by the Response Deadline, the Ninety-

Second Omnibus Objection “will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.” Ex. C to Ninety-Second Omnibus Objection, ECF No. 8981-4, at 2.

PLEASE TAKE FURTHER NOTICE that consideration of the Ninety-Second Omnibus Objection was adjourned, by notices and by the Court’s *Order (A) Establishing Extended Deadline for Responses to Omnibus Objections Scheduled for Hearing at December 11, 2019 and January 29, 2020 Omnibus Hearings, (B) Approving Form of Notice and (C) Granting Related Relief* [ECF No. 12325] (the “December Objection and January Objection Extension Order”), to the omnibus hearing scheduled for October 28, 2020.

PLEASE TAKE FURTHER NOTICE that, pursuant to the December Objection and January Objection Extension Order, the Original Response Deadline was extended until 4:00 p.m. (Atlantic Time) on March 27, 2020 (the “Extended Response Deadline”).

PLEASE TAKE FURTHER NOTICE that the December Objection and January Objection Extension Order stated that “[r]esponses filed after March 27, 2020 shall not be considered by the Court. No further extension of the March 27, 2020 deadline shall be granted, absent good cause shown.”

PLEASE TAKE FURTHER NOTICE that, on September 29, 2020, this Court entered the *Order Regarding Pending Omnibus Objections to Claims* [ECF No. 14419] (the “Satellite Hearing Procedures Order”), scheduling a hearing to consider the Ninety-Second Omnibus Objection for **November 18, 2020, at 9:30 a.m. (Atlantic Time)** (the “November 18 Satellite Hearing”) at the Prime Clerk collection center located at Citi Towers, 250 Ponce de León Ave.,

Suite 503, Hato Rey, San Juan, PR 00918 (the “Satellite Site”). Satellite Hearing Procedures Order at 1.

PLEASE TAKE FURTHER NOTICE that, as of the filing of this Notice, the Claimants associated with the claims listed on **Exhibit A** hereto have responded to the Ninety-Second Omnibus Objection (the “Deficient Claims to Be Set for Hearing”) on or before the Extended Response Deadline via either (i) ECF filing, (ii) mailing to Prime Clerk, LLC (“Prime Clerk”), (iii) mailing to counsel for the Oversight Board, or (iv) mailing to counsel for the Official Committee of Unsecured Creditors of the Commonwealth of Puerto Rico (the “UCC”) (collectively, the “Deficient Responses”) and, upon review of the Deficient Responses, the Debtors (a) have determined that the Deficient Responses fail to provide sufficient information to enable the Debtors to reconcile the Deficient Claims to Be Set for Hearing and (b) intend to prosecute the Ninety-Second Omnibus Objection as to the Deficient Claims to Be Set for Hearing at the November 18 Satellite Hearing.

PLEASE TAKE FURTHER NOTICE that, as of the Extended Response Deadline, the Claimants associated with the claims listed on **Exhibit B** hereto have responded to the Ninety-Second Omnibus Objection (the “ADR/ACR Eligible Claims”) on or before the Extended Response Deadline via either (i) ECF filing, (ii) mailing to Prime Clerk, (iii) mailing to counsel for the Oversight Board, or (iv) mailing to counsel for the UCC, and pursuant to the Satellite Hearing Procedures Order, the Debtors will file a notice of transfer with respect to the ADR/ACR Eligible Claims on or before the deadline to file replies in support of the Ninety-Second Omnibus Objection, or November 11, 2020. The ADR/ACR Eligible Claims will not be heard at the November 18 Satellite Hearing, and the claimants associated with the ADR/ACR Eligible Claims need not appear at the November 18 Satellite Hearing.

PLEASE TAKE FURTHER NOTICE that, as of the Extended Response Deadline, the Claimants associated with the claims listed on **Exhibit C** hereto failed to respond to, or otherwise oppose, the Ninety-Second Omnibus Objection (the “Claims to Be Disallowed via Notice of Presentment”).

PLEASE TAKE FURTHER NOTICE that, pursuant to the requirements of Federal Rule of Bankruptcy Procedure 3007, made applicable to this Title III case by PROMESA section 310, the Claimants associated with the claims listed on **Exhibit D** hereto were served with copies of the Ninety-Second Omnibus Objection via “first-class mail to the person most recently designated on the claimant’s original or amended proof of claim as the person to receive notices, at the address so indicated,” but the Debtors’ mailings were returned as undeliverable (the “Claims with Undeliverable Addresses”).

PLEASE TAKE FURTHER NOTICE that, unless a written objection to the Proposed Order (as defined below) is filed with the Court by 4:00 p.m. (Atlantic Time) on October 27, 2020, the relief requested in the Ninety-Second Omnibus Objection shall be deemed unopposed, and the Proposed Order disallowing the Claims to Be Disallowed via Notice of Presentment and the Claims with Undeliverable Addresses may be entered without a further hearing.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Satellite Hearing Procedures Order, the Deficient Claims to Be Set for Hearing will be heard at the November 18 Satellite Hearing and the notice thereof, a copy of which is attached hereto as **Exhibit E** (the “Satellite Hearing Notice”) shall be served on all Claimants associated with the claims listed on Exhibit A and made publically available on the Prime Clerk website.

PLEASE TAKE FURTHER NOTICE that attached hereto as **Exhibit F** is a proposed order (the “**Proposed Order**”) approving the Satellite Hearing Notice; and (ii) disallowing the Claims to Be Disallowed via Notice of Presentment and the Claims with Undeliverable Addresses.

PLEASE TAKE FURTHER NOTICE that, pursuant to Paragraph III.H of the Court’s *Thirteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 13512-1], “the presentment of a proposed order for administrative relief must be filed and served at least seven (7) calendar days before the presentment date, and Objections thereto must be filed and served at least one (1) calendar day before the presentment date,” and accordingly, unless a written objection to the Proposed Order is filed with the Court no later than **4:00 p.m. (Atlantic Time) on October 27, 2020**, the relief requested shall be deemed unopposed, and the Court may enter an order granting the relief sought without a hearing.

PLEASE TAKE FURTHER NOTICE that copies of all documents filed in these Title III cases are available (a) free of charge by visiting <https://cases.primeclerk.com/puertorico> or by calling +1 (844) 822-9231, and (b) on the Court’s website at <http://www.prd.uscourts.gov>, subject to the procedures and fees set forth therein.

[Remainder of page intentionally left blank]

Dated: October 20, 2020
San Juan, Puerto Rico

Respectfully submitted,

/s/ Brian S. Rosen

Martin J. Bienenstock
Brian S. Rosen
(Admitted *Pro Hac Vice*)
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
Tel: (212) 969-3000
Fax: (212) 969-2900
Email: mbienenstock@proskauer.com
brosen@proskauer.com

*Attorneys for the Financial Oversight and
Management Board as representative for the
Debtors*

/s/ Hermann D. Bauer

Hermann D. Bauer
O'NEILL & BORGES LLC
250 Muñoz Rivera Ave., Suite 800
San Juan, PR 00918-1813
Tel: (787) 764-8181
Fax: (787) 753-8944
Email: Hermann.bauer@oneillborges.com

*Co-Attorneys for the Financial Oversight and
Management Board as representative for the
Debtors*